Ohio | Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 28, 2011

Re: Proposed amendments addressing water quality standards

Dear Interested Parties:

The Division of Surface Water (DSW) has reviewed Chapter 3745-1 of the Ohio Administrative Code (OAC), establishing beneficial use designations, numeric levels and narrative statements (water quality criteria) protective of the use designations and an antidegradation rule for waters of the state. DSW is proposing amended language for the following rules:

Rule #	Rule Title	Action
3745-1-01	Purpose and applicability	Rescind
3745-1-01	Purpose and applicability	New
3745-1-02	Definitions	Amend
3745-1-03	Analytical methods and availability of documents	Amend
3745-1-04	Criteria applicable to all waters	Amend
3745-1-05	Antidegradation	Amend
3745-1-07	Water use designations and statewide criteria	Rescind
3745-1-07	Beneficial use designations	New
3745-1-31	Lake Erie standards	Amend
3745-1-32	Ohio river standards	Rescind
3745-1-32	Ohio river standards	New
3745-1-33	Water quality criteria for the lake Erie drainage basin	Rescind
3745-1-34	Water quality criteria for the Ohio river drainage basin	Rescind
3745-1-35	Site-specific modifications to criteria and values	Amend
3745-1-36	Methodologies for development of aquatic life criteria and values	Amend
3745-1-37	Methodology for deriving bioaccumulation factors	Amend
3745-1-38	Methodologies for development of human health criteria and values	Amend
3745-1-39	Methodology for the development of wildlife criteria for the lake Erie drainage basin	Amend
3745-1-40	Water quality criteria for water supply use designations	New
3745-1-41	Water quality criteria for recreation use designations	New
3745-1-42	Water quality criteria for the base aquatic life use designation	New
3745-1-43	Water quality criteria for the tiered aquatic life use designations	New

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This rule package focuses on defining beneficial use designations and updating water quality criteria protective of those use designations. This rulemaking covers all of OAC 3745-1 except for mixing zones (rule 06), basin-specific use designation rules (rules 08 to 30) and wetland WQS (rules 50 to 54).

Enclosed is the Notice of Proposed Rulemaking. A public hearing is scheduled in Columbus on February 1, 2012 as described in the enclosed notice. The enclosed notice also explains how to submit comments. The Agency welcomes your comments on the proposed rules. Please note the comment period ends on February 24, 2012.

In preparation for the implementation of Senate Bill 2, Ohio EPA is seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis (BIA) form, which is being release with the proposed rules. The comment period for the BIA form ends on February 1, 2012. For more information on Senate Bill 2, please see: http://www.lsc.state.oh.us/analyses129/11-sb2-129.pdf.

If you would like a copy of the proposed rules, a fact sheet that describes the proposed rules, draft BIA form or if you have any questions about the rulemaking, please contact Dan Dudley at (614) 644-2876, or via e-mail at dan.dudley@epa.state.oh.us. The proposed rules, fact sheet, and BIA form are also available on the Ohio EPA Division of Surface Water website at www.epa.ohio.gov/dsw/Home.aspx.

If you would prefer to receive Division of Surface Water rulemaking notices via e-mail, please sign up for electronic notification at: http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

Sincerely,

George Elmaraghy, P.E., Chief
Division of Surface Water

GE:mh

Enclosure